DOCUMENT RESUME

ED 092 052 HE 005 619

AUTHOR Boyd, William B.
TITLE The Impact of Collective Bargaining on University Governance.
INSTITUTION Association of Governing Boards of Universities and Colleges, Washington, D.C.
PUB DATE Nov 73
NOTE 6p.; Paper presented at the Annual Meeting of the National Association of College and University Business Officers (Chicago, Illinois, July 1973)

EDRS PRICE MF-$0.75 HC-$1.50 PLUS POSTAGE
DESCRIPTORS *Collective Bargaining; Collective Negotiation; College Faculty; *Educational Administration; *Educational Change; *Governance; *Higher Education

ABSTRACT

A number of ways in which college and university governance may change as collective bargaining is introduced to the campuses are discussed. Changes include: (1) an increase in board power at the expense of faculty power; (2) personnel policies become increasingly formal, more subject to review and appeal, more uniform, and more centralized; (3) an increase of line item budgeting at a centralized level as a means of sheltering funds against bargaining demands; (4) a change in the techniques and tone of administration with a new emphasis on accountability; (5) a temporary setback for the student movement with the site of power moved to a bargaining table at which students are not represented; and (6) a decrease in the power and prestige of the old faculty elite. (Author/MJM)

U S DEPARTMENT OF HEALTH,
EDUCATION & WELFARE
NATIONAL INSTITUTE OF
EDUCATION
THIS DOCUMENT HAS BEEN REPRODUCED EXACTLY AS RECEIVED FROM THE PERSON OR ORGANIZATION ORIGINATING IT. POINTS OF VIEW OR OPINIONS STATED DO NOT NECESSARILY REPRESENT OFFICIAL NATIONAL INSTITUTE OF EDUCATION POSITION OR POLICY

ED 092052

The Impact of Collective Bargaining on University Governance

William B. Boyd

The trend toward the movement of power from campus to new politico-educational capitals seems to me the most significant thing happening in higher education today—more important even than the economic problems which tend to preoccupy us.

In former days the whole process of university government went virtually unexamined. That should not be surprising. After all, education, not government, is the concern and purpose of a collegiate community. Governance is merely a means developed to facilitate that end. In happy days, the means are congruent with the end and pass unnoticed so long as the end is well served. But these are not happy days and academic communities find themselves preoccupied with means — sometimes to the point of obscuring the ends altogether. The minutes of many a university senate will reveal more concern for questions of government than questions about the curriculum or educational theory.

In any event, the past success of college governance depended in part on its low profile. A colleague of mine once commented that university governance is like marriage — its success depends on not asking certain questions. Adhering to the same theme, Hodgkinson notes that: "Governance is very hard to study, for some of the same reasons that sexual behavior is hard to study. In our culture, both are considered private acts, not to be performed in public . . . ."[1] University governance now needs its Masters and Johnson.

HE 005 619

William B. Boyd is President of Central Michigan University. He presented this paper at the annual meeting of the National Association of College and University Business Officers in Chicago, July 9, 1973.

[1] Harold L. Hodgkinson, *College Governance: The Amazing Thing Is That It Works At All*, Report 11, ERIC Clearinghouse on Higher Education, The George Washington University, Washington, D. C. (July 1971).

The impact of collective bargaining does not begin with faculty unionization. In our current preoccupation with that phenomenon, we are apt to overlook the obvious fact that faculties are rarely the first group to introduce collective bargaining to the campus. Many colleges deal with one or several unions of non-academic personnel already. One campus in our state negotiates with 17 locals. In subtle ways, largely unnoticed by faculty senates, those unions have already affected governance. Their right to bargain introduced a new power factor into campus life. To the extent that they received economic gains greater than those which would otherwise have been achieved, then to that extent collective bargaining influenced the allocation of university resources. Since that is a primary purpose of campus governance, collective bargaining by any group has a significant impact. Moreover, a president dealing with one or more unions soon learns to remember that consultation means more than dealing with faculty, and perhaps students. It means remaining sensitive to the multi-faceted power structure of a contemporary unionized campus. The notion of a scale balance of power, with administration and faculty in the leverage positions, has to give way to a more intricate concept of a chandelier balance, with large numbers of power groups to be kept in a complex harmonic balance.

Of course, faculty unionization has a more dramatic impact for the obvious reason that faculty concerns -- the matters about which they wish to bargain -- are at the heart of the purpose of a university and are, therefore, the principal focus of any healthy system of governance. My concern here will be to predict the ways in which the governance of colleges and universities will change as faculties resort to collective bargaining.

Predictions ought not to be taken too seriously. As a historian I take a dim view of human powers of prediction, agreeing with Cicero who wrote: "I wonder that a soothsayer doesn't laugh whenever he sees another soothsayer." I personally find comfort rather than despair in the fact that some of our best minds -- and business minds at that -- predicted success for the Edsel in what became the decade of the compact. And I am not surprised to find us surprised by the sudden emergence of the fuel shortage. . . . I do not want to belabor the point. I am just alerting you to the possibility that I stand here as a modern Chicken Little, come to tell you that the sky is falling.

The least arguable prediction, since it is already demonstrable from experience, is that where faculty collective bargaining exists, the system of governance will become more explicit, more uniform, and more centralized. As questions are raised at bargaining tables, matters long left vague or variable have to be clarified and defined. The lawyers move in. As they push ambiguity out, something of value is lost.

On most campuses one result will be an increase in board power at the expense of faculty power. This will happen because the need for clarity will require a congruence between *de jure* and *de facto* power. Since *de jure* power is virtually a monopoly of the governing boards, which have allowed faculties to achieve *de facto* power in important areas partly from design and partly from sloth, the faculty is likely to be the loser in any reappraisal and reordering of that situation. Ambiguity and a willingness to leave certain questions unraised have been important for the rise of faculty power. Explicitness and a demand for legalism will, I believe, now contribute to a renaissance of board power. I share Father Burtchaell's belief that higher education and the American public would be well served by such a shift in power, but he knows that few faculties are ready to endorse such a position now. John Kenneth Galbraith's attack on boards as anachonisms would gain more applause before most academic audiences.

The new explicitness will have other consequences, too. Joseph Garbarino has noted that under the influence of collective bargaining, personnel policies become not merely more explicit, but more formal, more subject to review and appeal, more uniform, more centralized.[2] Anyone with experience in human affairs will be tempted to translate those happy phrases as meaning more rigid. After centuries of near anarchy in university government, the virtues of uniformity and centralized administration may seem attractive, but Professor Garbarino adds a sobering reflection. "One suspects," he notes, ". . . that in those key institutions in which the untidy, unsystematic process of peer evaluation has worked with demonstrated success, the introduction of procedures that can be defended before an arbitrator, or perhaps a judge, will incur a real cost in quality." Uniformity means one rule for all. That means an end to discrimination, but it also means an end to those discriminating judgments that have in the past permitted some universities to excel while others remained mediocre or worse. One would wish to buy equity for our campuses, but at a price less than excellence.

Uniformity and the centralization required for campus-wide bargaining and contract administration will further affect university government by reducing departmental and school autonomy. How transient are the fads of campus life! When the problems of 1964-1970 demonstrated that universities had grown more rapidly than they had learned to solve the problems of growth, the buzz word became decentralization. (That was before "relevant" and "accountability" crowded it out of our jargon.) In some ways decentralization may still be pursued, but in fundamental matters of administration the trend on unionized campuses will almost surely be the other way.

[2] Joseph W. Garbarino, *Creeping Unionism and the Faculty Labor Market*, draft prepared for *Higher Education and the Labor Market*, Carnegie Commission on Higher Education.

In moments of exasperation at the smallmindedness, the selfishness that occasionally colors departmental decisions, presidents may decide that that is a small price to pay. Some might even see it a positive gain! If undergraduate curriculum development were the only area affected, few academic administrators would mourn the passing of departmental authority. But fiscal and personnel considerations may lead to a different conclusion. Decisions on faculty appointments, reappointments, promotions, pay increases and terminations – the very set of decisions which determine the quality of a college – are initiated at the departmental level not from deference to political power or ideology, but because that is the place where the knowledge required for wise decisions actually resides. The dean's review provides a safeguard and a corrective: his rigorous questioning maintains standards and mutes the effect of the petty politics which sometimes contaminate departmental recommendations; his application of college-wide criteria insures the equity which depends upon consistent and nondiscriminatory behavior. But despite the essential role of the dean, he deals for the most part with secondhand information and impressions. He can improve and refine decisions, but their basic quality depends on fair, wise and tough-minded action at the department level. The movement of the locus of decision-making from the department will, in the long run, have a deleterious effect on the quality of personnel decisions. I suppose one can imagine the development of faculty unionism which would not lead to uniformity and centralization, but nothing in the history of the movement supports optimism.

An increase in board power has been suggested as one by-product of the clarifying legalisms introduced by collective bargaining. In a more direct way, too, bargaining leads to a resurgence of board control. No matter who actually sits at the table, the authority of the board dominates one side and must assume ultimate responsibility for the total results. The legal and economic significance of the contract, as well as the practices of collective bargaining, require a more activist role on the part of the board. Moreover, administrators become board agents more clearly than in the pre-union past, when a benign ambiguity prevailed.

The power of the board may increase only relatively, only *vis a vis* campus groups. This change appears to be occurring within a large system where board power, in an absolute sense, is declining, to be replaced by various off-campus powers – super boards, state departments, budget bureaus, or what have you. The trend toward the movement of power from campus to new politico-educational capitals seems to me the most significant thing happening in higher education today – more important even than the economic problems which tend to preoccupy us. The trend is sometimes cited as a causal factor in faculty unionism.

It is almost surely a consequence, as well. If each public university in a state were to bargain separately, for instance, that economic force known as coercive comparison would create a constant upward spiraling as the most favored faculty of year one established the base figures for year two. The stewards of scarce public money are bound to protect themselves from that trap, there being other social needs to fund besides higher education. Line item budgeting at a centralized level may tend to increase, too, as a means of sheltering funds against bargaining demands. The money will simply not be made available. This would support Garbarino's prediction that collective bargaining is apt to have more impact on salary administration than on salary levels. In any event, university governance is bound to be affected – if not transformed – by the accelerated transfer of authority from campus decision makers to central offices. Unions, too, may have national goals unrelated to campus problems which will color behavior, thus increasing the influence of off-campus power centers with concerns other than the well-being of the particular institution. In the face of that general trend, there is something more obscene than funny about the fact that back on campus more and more groups are contending for power, hardly noticing that the power is disappearing as they fight. A pyrrhic victory is in sight. The potentially disastrous consequences of partisan political forces directing education is too well dealt with by Father Burtchaell to require further warnings by me.

Another effect which collective bargaining is apt to have on college governance will be a change in the techniques and tone of administration. The development of what is called a "management complex" is predicted. This is another of those phenomena which may be both a cause and a consequence of collective bargaining. Even without unions, grim economic realities and the new emphasis on accountability are pressing university administrations into management practices once regarded as alien to academe.

Accountability leads to a system of review and control repugnant to faculty. It may lead them to defensive moves, which include resort to collective bargaining. In any event, collective bargaining thrusts administration into a management role. Moreover, contract administration, with its emphasis on legalism, its grievance-laden tendencies, and its use of adversary proceedings, will almost inevitably change the tone of university administration. The last remnants of colleagueship are apt to disappear. Personal relationships are almost bound to change when personnel relations are altered so fundamentally.

Still another impact of collective bargaining on college governance is apt to be at least a temporary setback for the student power movement. There is irony in the fact that just as students began to secure a place in the traditional power structure of colleges, the site of power

should be moved to a bargaining table at which they are not represented – and at which their interests are sometimes the first to be sacrificed, all of the grand rhetoric to the contrary, notwithstanding.

Also likely to diminish is the power and prestige of the old faculty elite. Not merely is the superprofessor incompatible with the egalitarianism engendered by collective bargaining, but the regular research and classroom oriented professors who have long constituted the aristocracy of academe will doubtless lose both power and prerogatives with the introduction of faculty unions. One reason is that much of the press for unions comes from the marginal members of the faculty who have the most to gain by any redistribution of power and rewards; another is that academic senates, the typical power base of regular faculty, are apt to be discarded or diminished in the wake of collective bargaining. If the scope of negotiations at the table are wide – and the tendency is for them to widen each year – an analogue to the Arab proverb that an arch always creeps – if the scope of negotiations are wide, then the scope of authority delegated to a senate must be narrowed accordingly, or conflicting jurisdictions would result. If faculty are allowed broad powers in both a union and a senate, they would, in effect, have a double dip. What they could not achieve through one channel they could pursue through the other. Governing boards are hardly likely to accept such a disadvantaged position. Senates are easy to parody. Even their defenders are often embarrassed by the tedious and petty tactics which sometimes characterize them, reminding one that the root word of senate means "aged" or "infirm." But senates, for all their faults, have been a principal instrument in the governance of some of our finest colleges and universities. Their record of success justifies an uneasiness at the thought of their passing.

I have tried to indicate a number of ways in which I think college and university governance [may] change as collective bargaining is introduced to our campuses. For the romantics among us, most of the changes appear unattractive. These are not happy days for governance anywhere. Hodgkinson notes that "the social cement holding institutions together – the recipe for which is two parts trust, one part loyalty, two parts self-sacrifice, one part leadership – seems to be cracking everywhere."[3] It is important to remember that collective bargaining is not a cause of our troubles, but merely one means of attempting to solve problems which have vexed faculty and administrators alike. Educational leaders today face the challenge of providing alternative solutions, or of working to accommodate the techniques of collective bargaining to academic values in ways which will minimize any adverse impact.

[3]Hodgkinson, *op. cit.*